

EXHIBIT 4

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

**IN RE COLLEGE ATHLETE NIL
LITIGATION**

Case No. 4:20-cv-03919-CW

**DECLARATION OF LEE TYNER IN
SUPPORT OF JOINT ADMINISTRATIVE
OMNIBUS MOTION TO SEAL**

1 I, Lee Tyner, declare as follows:

2 I am General Counsel for Texas Christian University ("TCU"). TCU is a member of the
3 Big 12 Conference, which is a defendant in this action. I make this Declaration based on my
4 personal knowledge and investigation, and if called as a witness to testify, I could and would testify
5 competently to the facts set forth herein.

6 1. This Declaration is being made in support of the Joint Administration Omnibus
7 Motion to Seal ("Motion"), and pursuant to Civil Local Rules 7-11 and 79-5.

8 2. TCU seeks to maintain the confidentiality of certain portions of a document filed
9 under seal by the Parties that reflects TCU's highly sensitive, non-public, recent financial
10 information.

11 3. Specifically, TCU requests that certain portions of the Expert Report of Catherine
12 Tucker, Ph.D. ("Tucker Report"), as described below and as identified in the Proposed Order
13 Regarding Joint Administrative Omnibus Motion to Seal ("Proposed Order") as entry numbers
14 538 and 539 be maintained under seal.

15 4. TCU can demonstrate that compelling reasons exist to maintain the following
16 narrowly tailored redactions under seal.

17 **CONFIDENTIAL INSTITUTIONAL FINANCIAL INFORMATION**

18 5. As an NCAA member institution, TCU submits certain confidential financial
19 information to the NCAA, which is collected for the purpose of informing its membership of
20 aggregate facts and trends relating to athletic revenue and expenses. The NCAA does not publish
21 or share, nor do its member institutions publish or share, information that would permit these
22 aggregate revenue categories to be broken down further, or to be used to identify revenue trends
23 that are not aggregate (*i.e.*, revenue trends for specific conferences or schools). This data is
24 submitted under express guarantees of confidentiality and is not released to either the public or
25 other NCAA members on a conference-specific or school-specific basis. The NCAA's member
26 institutions provide the Confidential NCAA Member Financial Data to the NCAA in reliance on
27 the guarantee of confidentiality.

6. The Tucker Report (ECF No. 251-1) contains information that reflects the details of the proportion of total revenues attributed to football, men's basketball, and women's basketball at TCU. TCU would be harmed by the disclosure of revenue attributions, as it would reveal non-public information regarding TCU's financial information and decisions to other NCAA members and other competitors.

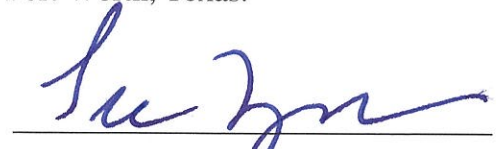
7. Therefore, TCU supports the Parties' Motion to redact those portions of the Tucker Report, which contain TCU's confidential financial information, as identified below and in the Proposed Order:

Entry Number	Text to be Sealed
538.	p. 250 ¶ 296 (b)
539.	p. 251 (Fig. 16)

8. For the foregoing reasons, TCU respectfully submits that compelling reasons exist to seal the information as identified above and in the Proposed Order.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Sept. 29, 2023, in Fort Worth, Texas.


Lee Tyner